IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10412 OF 2004

Ramakant Shantaram Kulkarni ..Petitioner.

Vs.

The Secretary

Shishu Vihar Sanstha & Ors. ..Respondents.

...

Mr.R.S.Apte with Mr.N.R.Bhubna for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

29th April, 2005.

P.C. :

The School Tribunal has marshalled the evidence and has held that the charges against the Petitioner were proved. The findings in the enquiry establish a serious case of misconduct. The Tribunal has discussed the evidence of three lady employees of the school who stepped into the witness box. All the employees stated that the Petitioner had threatened them. One of them stated that the Petitioner had used filthy language

against her. The enquiry committee as well as the School Tribunal relied upon the evidence of those witnesses who have been cross examined by the Petitioner. The Tribunal noted that the witnesses were cross examined on 8th October, 2002 and 16th October, 2002. The Tribunal has noted from the documentary evidence that the record of the Petitioner showed absence without the permission of the Head Mistress and arrogant behaviour towards the Head Mistress, teachers, trustees and guardians of children studying in the school. The Petitioner had also assaulted the Head Mistress of the primary section. The Tribunal has found that there was no breach of the principles of natural justice. The enquiry was held in accordance with law. The charges of misconduct have been established and they are of a serious nature. No case for interference has been made out under Article 227. The Petition is accordingly rejected.